

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

**FILED**

OCT 15 2002

ALICE TORRES

Plaintiff,

v.

TRAVELERS INSURANCE COMPANY;  
INSURANCE COMPANY OF THE STATE  
OF PENNSYLVANIA; and  
CONSTITUTION STATE SERVICES,  
formerly known as CONSTITUTION STATE  
SERVICE COMPANY.

Defendants.

CIV. 01-5056

CLERK

**PLAINTIFF'S BRIEF  
IN SUPPORT OF SECOND  
MOTION TO COMPEL DISCOVERY**

On January 11, 2002, Plaintiff brought a motion to compel discovery against Defendant CSS. The Court entertained extensive briefing on this motion as well as on the Defendant's Motion for a Protective Order.

On April 4, 2002, the Court entered an Order compelling most of the discovery and overruling most of the request for protective order brought by Defendant. See Exhibit 1, attached.

On July 18, 2002, Plaintiff's counsel wrote Defense counsel a letter asking when the responses might be expected. Exhibit 2, attached. On August 23, 2002, Plaintiff's counsel wrote another letter to Defense counsel, again asking when the responses might be produced. Exhibit 3, attached. The parties have scheduled depositions of Defendant's witnesses in Arkansas for the week of December 19, 2002. The Plaintiff needs this document production in order to adequately assess what witnesses need to be deposed. The Rule 35 deadlines for discovery are approaching

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Brief in Support of Plaintiff's Second Motion to Compel

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and the Plaintiff has never received any discovery. It is also anticipated that once Plaintiff does receive the discovery, it may well be deficient and the Plaintiff will have no time to correct that situation before expiration of the discovery deadline, which will then force the Plaintiff to seek extensions, which the Plaintiff does not want to do.

More than adequate time has elapsed to give the Defendant plenty of opportunity to produce the court ordered discovery. Further delay will simply delay the entire trial schedule, which is unacceptable to the Plaintiff and probably to the Court as well.

WHEREFORE, Plaintiff asks for a second Order compelling immediate discovery of these documents.

Dated this 10 of October, 2002.

By: \_\_\_\_\_

  
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